

Notice of Allowability

Application No.

10/743,686

Examiner

Thai-Ba Trieu

Applicant(s)

ALLEN ET AL.

Art Unit

3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on November 16, 2004.
2. ☒ The allowed claim(s) is/are 1-4.
3. ☒ The drawings filed on 20 December 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

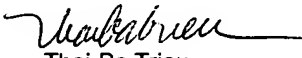
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Thai-Ba Trieu
Patent Examiner
AU 3748
November 18, 2004

DETAILED ACTION

This Office action is in response to the Amendment filed on November 16, 2004. Applicant's cooperation in submitting the Oath/Declaration to cure the noted deficiencies of the residence information, signature and the signing date of the 3rd inventor (Mr. Rhett Hedrick), and the residence information of the 5th inventor (Mr. Kevin Birch) is appreciated. Applicant's cooperation in amending the claims to overcome the claim objections relating indefinite claim language is appreciated. Claims 1-4 were amended.

EXAMINER'S AMENDMENT

The application has been amended as follows:

- In claim 1, line 23, "**mean**" after "**turbo speed sensing**" has been replaced by -- **means** -- (for correcting typo error); and line 25, "**the**" after "**stored**" has been deleted (for correcting redundancy) (See Amendment filed on 11/16/2004).
- In claim 2, line 27, "**mean**" after "**turbo speed sensing**" has been replaced by -- **means** -- (for correcting typo error); and line 28, "**the**" after "**stored**" has been deleted (for correcting redundancy) (See Amendment filed on 11/16/2004).

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance: None of the cited prior art alone or in combination teaches the claimed combination of a system and

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a method for controlling compressor surge in an electrically assisted turbocharger coupled to an internal combustion engine including:

" Regarding claim 1 and 2:

the electric motor controller is further configured to reverse power to the electric motor in response to signals from at least one of the engine speed sensor and turbocharger speed sensing means as correlated to the multi-dimensional map of surge conditions stored the in the memory when a compressor surge condition is detected.

Regarding claim 3:

the electric motor controller is further configured to reverse power to the electric motor in response to signals from at least one of the air intake sensor and pressure ratio sensor as correlated to the multi-dimensional map of surge conditions stored the in the memory when a compressor surge condition is detected.

Regarding claim 4:

the step of controlling comprising the electric motor controller reversing power to the electric motor in response detected surge conditions."

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai-Ba Trieu whose telephone number is (703) 308-6450. The examiner can normally be reached on Monday - Thursday (6:30-5:00).


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However, the examiner's new telephone number (751) 272-4867 will become effective after the expected changeover date of November 22, 2004.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on (703) 308-2623. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTB
November 18, 2004


Thai-Ba Trieu
Patent Examiner
Art Unit 3748